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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

October 25, 2000

VIA HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-A325
Washington, D.C. 20554

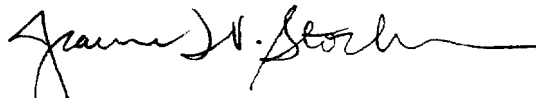
Re: Allegiance Telecom of Maryland, Inc.
Comments in CC Docket No. 96-98; NSD-L-00-171

Dear Ms. Salas:

On behalf of Allegiance Telecom of Maryland, Inc. ("Allegiance"), enclosed please find an original and four copies of Allegiance's comments in the above-referenced docket. Two paper copies of Allegiance's comments are being concurrently filed through the Common Carrier Bureau's Network Services Division.

Should you have any questions with respect to this matter, please do not hesitate to call.

Respectfully submitted,



Jeanne W. Stockman

Counsel for Allegiance Telecom of Maryland, Inc.

Enclosure

cc: Lyndall Nipps
Alvin McCloud
ITS

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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OCT 25 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	File No. NSD-L-00-171
Maryland Public Service Commission)	
Petition for Delegated Authority to)	CC Docket No. 96-98
Implement Number Conservation)	
Measures in Maryland)	

**COMMENTS OF
ALLEGIANCE TELECOM OF MARYLAND, INC.**

Allegiance Telecom of Maryland, Inc. ("Allegiance") by undersigned counsel and pursuant to the Common Carrier Bureau's September 25, 2000 Public Notice,¹ submits its comments in the above-captioned proceeding. The Maryland Public Service Commission ("MD-PSC") has petitioned the Federal Communications Commission ("FCC") for additional authority to undertake various number conservation measures on a state-wide basis until national number conservation measures are implemented.² Specifically, the MD-PSC seeks authority to (1) institute thousands-block number pooling trials; (2) enforce current standards for numbering allocation, or set and enforce new standards; (3) maintain rationing procedures for six months following area code relief; (4) order the submission of utilization and forecast data from all carriers, including wireless providers, and audit such reporting; (5) order carriers to return unused, reserved or under-utilized portions of NXX

¹ *Common Carrier Bureau Seeks Comment on the Maryland Public Service Commission Petition for Delegated Authority to Implement Number Conservation Measures in Maryland*, NSD File No. L-00-171, Public Notice, DA 00-2176 (rel. Sept. 25, 2000).

² *Maryland Public Service Commission's Petition for Delegation of Additional Authority to Implement Number Conservation Measures in Maryland*, CC Docket 96-98, filed August 14, 2000 ("Petition").

codes; (6) require sequential number assignments; and (7) hear and address claims by individual carriers requesting numbering resources outside the rationing process.

While Allegiance is generally supportive of state number conservation efforts, Allegiance respectfully requests the Commission to decline to extend (1) the MD-PSC's rationing authority; and (2) the existing reporting obligations on carriers because Allegiance is concerned these measures would impose undue burdens on carriers that would outweigh any potential incremental benefit to number conservation. In addition, Allegiance reiterates its support of rate center consolidation ("RCC") as an important number conservation tool, and urges the Commission to recommend that the MD-PSC initiate RCC as soon as reasonably practicable as part of a comprehensive number conservation effort.

I. Certain Relief Requested by the MD-PSC Is Unwarranted and Imposes Undue Burdens on Carriers Without a Corresponding Benefit to Number Conservation.

A. Allegiance Opposes Imposition of Additional State Reporting Obligations

Allegiance opposes the MD-PSC's request to impose additional reporting obligations on carriers. Recognizing the burden varied state numbering reporting would impose on carriers, the Commission implemented a uniform, comprehensive, semi-annual reporting scheme and specifically authorized the states to have access to the submitted data.³ The MD-PSC's Petition fails to explain how the Commission's current reporting mechanism is inadequate, and what number conservation benefits would be realized by imposing additional state-specific reporting requirements on carriers. Absent such justification, Allegiance respectfully requests that the Commission refrain from authorizing the MD-PSC to broaden or alter existing reporting obligations.

³ See 47 C.F.R. § 52.15(d).

B. Allegiance Opposes Grant of Additional Rationing Authority

Allegiance submits that the rationing authority requested by the MD-PSC is unwarranted in light of the Commission's new numbering rules. Under the rules adopted in the *Number Resource Optimization Order*, carriers must demonstrate need in order to obtain initial and growth numbering codes.⁴ The showings of need required by the FCC's rules should be sufficient to prevent hoarding of numbering resources. Further, the MD-PSC has failed to describe circumstances that warrant departing from the policies established in the *Number Resource Optimization Order*. For example, the MD-PSC is not facing the same or similar statutory public participation requirements as was the California Public Utilities Commission ("CPUC") when it was granted rationing authority.⁵ Of greatest concern, however, is that rationing would hinder the ability of other carriers such as Allegiance to obtain numbering resources when a *bona fide* need exists. Thus, in the absence of truly compelling circumstances, the Commission should refrain from granting authority to state commissions to set or revise rationing procedures because of the potential harm rationing poses to carriers. Accordingly, Allegiance respectfully requests that the Commission decline to extend rationing authority to the MD-PSC.

⁴ See 47 C.F.R. § 52.15(g).

⁵ In California, the CPUC is subject to statutory requirements that require public participation in area code relief processes at least 30 months prior to the submission of a recommended relief plan. *California Public Utility Commission Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, CC Docket No. 96-98, FCC 99-248, *Order* (rel. Sept. 15, 1999).

II. Rate Center Consolidation is Essential to Achieve Meaningful Number Conservation

Rate centers are a vestige of the local telephone monopoly era. Existing rate centers were established by the regional Bell operating companies ("RBOCs") before the advent of competitive carriers and before the explosive demand for numbering resources. The constraints of this outdated structure contribute greatly to the high rate of number exhaust and must be remedied to realize meaningful number conservation.

Thousands-block number pooling ("TNP") fails to address all of the root causes of number exhaust and allows inefficiencies of the current rate center structure to continue unchecked. Although the lion's share of numbering resources are utilized by the RBOCs, the issue of nondiscriminatory access to numbering resources is more acute for new market entrants because competitive carriers must obtain distinct initial NXX codes in each rate center in which it provides service. RCC combats this problem by enabling carriers to use fewer NXX codes to provide service throughout their region, thereby reducing the demand for NXX codes, improving number utilization and leveling the competitive playing field. RCC is also preferable to TNP because it can be implemented on a competitively-neutral basis. Unlike TNP, RCC is not dependent on local number portability. Thus, a greater pool of numbering resource users can participate in this conservation method, making it more effective.

Allegiance acknowledges that RCC must be carefully implemented to be most effective, and that there may be administrative costs associated with implementation.⁶ Notwithstanding these issues, Allegiance believes that it can be a valuable tool throughout Maryland in promoting

⁶ See *Number Resource Optimization Working Group Report to North American Numbering Council*. (rel. Oct. 20, 1998), §§ 1.4, 1.9.1 ("Report").

competitive entry, preserving numbering resources going forward, and allowing carriers to make the most efficient use of the NXX codes they presently hold. Other benefits include RCC's ability to be implemented quickly without need for a coordinated national agreement or plan.⁷ Furthermore, RCC need not impose excessive or undue costs on the industry. When RCC was implemented in Texas, the costs were so insignificant that cost recovery was not even addressed⁸ and intraLATA toll revenue was not impacted.⁹ Finally, if the consolidation of rate centers is accomplished without affecting local calling scopes, then, from a customer perspective, it can be implemented virtually seamlessly without risk of customer confusion. Importantly, the MD-PSC's recent experience with the 443 and 240 NPAs highlights how quickly jeopardy and exhaust conditions occur under the existing rate center scheme. Clearly, experience demonstrates the value of RCC as a important number conservation tool that would benefit Maryland and preserve its scarce numbering resources.

⁷ *Id.* § 1.3 n.3. For example, in San Antonio, Texas, RCC has extended the life of the 210 area code by approximately two years. North American Numbering Council Report, dated Oct. 21, 1998, Sec. 10.5.1. In addition, five separate NPAs in Texas underwent RCC within four months of regulatory approval.

In addition, the Georgia Public Service Commission recently approved implementation of rate center consolidation in the Atlanta metropolitan area. *See In re Consideration of the Industry Rate Center Consolidation Plan for Atlanta Metropolitan Local Calling Area*, Georgia Public Service Comm'n Docket No. 7423-U, Order (Aug. 1, 2000). Under the plan, 27 rate centers will be consolidated into three (3) rate centers, reducing the total number of rate centers in the Atlanta area from 59 to 35.

⁸ *See Report* § 1.4.

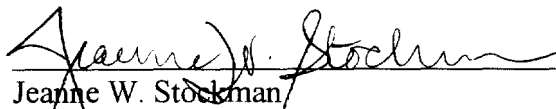
⁹ *See id.* § 1.4.2. (noting that there was no discernible shift in toll revenue).

IV. Conclusion

For the foregoing reasons, Allegiance respectfully requests the Commission to decline to extend (1) the MD-PSC's rationing authority; and (2) the existing reporting obligations on carriers.

In addition, Allegiance respectfully requests the Commission to emphasize the importance of RCC to long-term number conservation and to encourage the MD-PSC to engage in RCC as soon as reasonably practicable.

Respectfully submitted,



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Dated: October 25, 2000